

State of Utah
Administrative Rule Analysis
Revised May 2024

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R156-61

Filing ID: Office Use Only

Date of Previous Publication (Only for CPRs): Click or tap to enter a date.

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
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Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:

R156-61. Psychologist Licensing Act Rule.

3. Purpose of the new rule or reason for the change:

In 2021, Governor Cox issued Executive Order 2021-1 that required a review of all regulated Occupations and Professions. This led to the legislative creation of the Office of Professional Licensure Review and the passing of SB26 during the 2024 legislative session. In addition to changes directly related to SB26 legislation, the Board did their own review of education used in states around the nation and adopted language expanding education allowed for licensure to be more consistent nationwide. The Board agrees that these amendments to the rule to reduce regulations that create barriers to working in the field and aligns provisions with national education standards for licensure. Additionally, in compliance with the passing of SB26 which became effective on May 1, 2024, this filing further amends the rule by making non-substantive formatting changes throughout to facilitate compliance and enforcement and to make changes consistent with OAR's current Rulewriting Manual.

4. Summary of the new rule or change:

Section R156-61-101 amends the rule by moving Sections R156-61-103 and R156-61-104 into Section R156-61-101 which is an update to a modern formatting.

Section R156-61-102 amends the rule for clarity regarding the education accrediting bodies in the US and Canada, national association, Behavioral Health Board, supervised individuals, and professional examination.

Section R156-61-201 removes the Advisory Peer Committee due to SB26 legislation and the creation of a combined Board with advisory committees.

Section R156-61-302a adds language that expands education allowed for licensure to be more consistent nationwide and amends the rule with non-substantive formatting changes to facilitate compliance and enforcement and to make changes consistent with OAR's current Rule Writing Manual.

Section R156-61-302b removes time limitation to training based on legislative changes and corrects formatting.

Section R156-61-302c adds language that clarifies requirements when additional examination attempts are needed.

Sections R156-61-302f and R156-61-302g are deleted and renumbered in R156-61-403 and R156-61-404 to reflect a more consistent formatting style.

Sections R156-61-403 and R156-61-404 additions are renumbered from the original Subsections R156-61-302f and R156-61-302g.

Section R156-61-601 the length of time allowed for on the job training was extended from 45 to 60 days per the boards review and approval and to allow consistency across all mental health professions.

Additional non-substantive formatting changes are made throughout the rule to facilitate compliance and enforcement and to make changes consistent with OAR's current Rulewriting Manual.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The changes to Rule R156-61 clarify and align provisions with national educational standards, examination, and supervision standards and are expected to have zero net impact on state revenues or expenditures because these changes should not result in any additional complaints, investigations, or disciplinary actions or any additional licensing issues. None of the remaining proposed changes are expected to impact state government revenues or expenditures because the changes merely update the rules to establish supervision and education standards that encompass current requirements and practices in the profession and make formatting changes for clarity.

B) Local governments:

These proposed amendments may impact businesses in the mental health industry who employ certified psychology residents and psychologists, which may potentially include certain local government entities acting as businesses. However, as described for Small Businesses, the Division estimates that these proposed amendments will have no impact on local government.

C) Small businesses ("small business" means a business employing 1-49 persons):

There are approximately 1,532 small businesses in Utah with licensees engaged in the practice of mental health therapy and who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 623210). These proposed amendments may impact these small businesses. However, the savings is not measurable as it will depend on specific characteristics of each employer and employee. The remaining amendments are not expected to impact small business as they are based on extensive collaboration with the Psychologist Licensing Board to incorporate generally accepted professional standards common in the industry, and the changes merely update the rule, clarify existing statutes, rules, and codify existing standards already adhered to in the industry.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There are approximately 96 non-small businesses in Utah comprising of licensees engaged in the practice of mental health therapy who may employ those engaged in the practice of mental health therapy, such as private or group practices, hospitals, or medical centers (NAICS 621112, 621420, 621330, 622210, 623220, 623210). However, the savings is not measurable as it will depend on specific characteristics of each employer and employee. The remaining amendments are not expected to impact small business as they are based on extensive collaboration with the Psychology Licensing Board and the Behavioral Health Board to incorporate generally accepted professional standards common in the industry, and the changes merely update the rule, clarify existing statutes, rules, and codify existing standards already adhered to in the industry.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The amendment to Section R156-61-302a education standards to align with national education requirements and are not expected to impact these other persons as it should not result in any additional investigations or disciplinary actions; the definition encompasses existing practices, so for the typical person the amendments would have no direct or indirect fiscal impact.

The amendment to Section R156-61-302c requires a person to pass both parts of the examination, where in the past only one was required. This is a requirement of the national association and exam provider and may result in an increased cost, determined by the provider, to read the exam.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described above for other persons, the amendment to Section R156-61-302c requires a person to pass both parts of the examination, where in the past only one was required. This is a requirement of the national association and exam provider and may result in an increased cost, determined by the provider, to read the exam.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0

Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Subsection 58-61-101
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Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds or updates the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 05/15/2025

B) A public hearing (optional) will be held:

Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
05/07/2025	9:00 a.m.	160 E. 300 S, 1st floor, North Conference Room, Salt Lake City, UT, and also via Google Meet Google Meet joining info Video call link: https://meet.google.com/men-jsgq-mbu Or dial: (US) +1 435-709-2611 PIN: 189 486 777# More phone numbers: https://tel.meet/men-jsgq-mbu?pin=9977875793744

To the agency: If more than one hearing will take place, continue to add rows.

9. This rule change MAY become effective on: 05/22/2025

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Mark Steinagel, Division Director	Date:	01/17/2025
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R156. Commerce, ~~Occupational and~~ Professional Licensing.

R156-61. Psychologist Licensing Act Rule.

R156-61-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Psychologist Licensing Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 61, Psychologist Licensing Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-61-102. Definitions.

~~[In addition to the definitions in Title 58, Chapters 1 and 61, as used in Title 58, Chapters 1 and 61 or this rule]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 61, Psychologist Licensing Act. In addition:

(1) "Accredited by the APA-CoA or CPAAP" as used in Section R156-61-302a means that as of the date the student received the earned degree, the program:

(a) has obtained accreditation from the APA-CoA or CPAAP; or

(b)(i) has applied to the APA-CoA or CPAAP for accreditation;

(ii) has been approved by the APA-CoA for a site visit, which is to occur within the ensuing six years; and

(iii) has not previously been denied accreditation by the APA-CoA or CPAAP.

(2) "APA" means the American Psychological Association.

(3) "APA-CoA" means the American Psychological Association Committee on Accreditation.

~~[(4)]~~ "Approved diagnostic and statistical manual for mental disorders" as used in Subsection 58-61-102(7) means ~~the following~~:

(a) ~~the~~ Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition ~~[-DSM-5], Text Revision, (DSM-5-TR)~~ published by the American Psychiatric Association; or

(b) ~~2015 ICD-10-CM for Physicians, Professional Edition published by the American Medical Association; or~~

~~(c) ICD-10-CM 2019: The Complete Official Draft Code Set published]~~ the International Classification of Diseases, Tenth Revision, Clinical Modifications (ICD-10-CM), published as the ICD-10-CM: The Complete Official Codebook by the American Medical Association.

~~[(2)]~~ "CoA" means Committee on Accreditation of the American Psychological Association.

(5) "ASPPB" means the Association of State and Provincial Psychology Boards.

(6) "CPAAP" means the Canadian Psychological Association Accreditation Panel.

~~[(3)]~~ "Direct supervision" ~~[-of a supervisee in training,]~~ as used in Subsection 58-61-304(1)(~~f~~)(~~e~~) ~~[-means]~~ means the supervisor meets with the supervised individual:

(a) ~~[a supervisor meeting with the supervisee]~~ when both are physically present in the same room at the same time; or

(b) ~~[a supervisor meeting with the supervisee]~~ remotely ~~[via]~~ using real-time electronic methods that allow for visual and audio interaction between the supervisor and ~~[supervisee under the following conditions:~~

~~(i) the supervisor and supervisee shall enter into a written supervisory agreement which, at a minimum, establishes the following:~~

~~(A) frequency, duration, reason for, and objectives of electronic meetings between the supervisor and supervisee;~~

~~(B) a plan to ensure accessibility of the supervisor to the supervisee despite the physical distance between their offices;~~

~~(C) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervisee;~~

~~(D) a plan to inform a supervisee's client or patient and employer regarding the supervisee's use of remote supervision;~~

~~(E) a plan to comply with the supervisor's duties and responsibilities as established in rule; and~~

~~(F) a plan to physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision or at a lesser frequency as approved by the Division in collaboration with the Board;~~

~~(ii) the supervisee submits the supervisory agreement to the Division and obtains approval before counting direct supervision completed via live real time methods toward the 40 hour direct supervision requirement; and~~

~~(iii) in evaluating a supervisory agreement, the Division shall consider whether it adequately protects the health, safety, and welfare of the public]~~ the supervised individual, pursuant to a remote supervision agreement that meets the requirements of Section R156-61-302b.

(8) "EPPP" means the Examination for the Professional Practice of Psychology developed by the ASPPB, and after January 1, 2026, shall include Part 1 and Part 2.

~~[(4)]~~ "On-the-job training program approved by the Division" ~~[-]~~ as used in Subsection ~~[58-61-301(1)(b);]~~ 58-1-307(1)(c) referenced by Subsection 58-61-301(1)(b) means a program that meets the standards established in Section R156-61-~~601~~ 302b.

~~[(5)(a)]~~ (10) "Predoctoral internship" ~~[refers to]~~ means a formal training program that ~~[-]~~

(a) meets the minimum requirements of the Association of Psychology Postdoctoral and Internship Centers (APPIC) ~~[offered]~~ to culminate a doctoral degree in clinical, counseling, or school psychology ~~[-]; and~~

~~[(b) A training program may be]~~ (b) is a full-time ~~[one-year]~~ one-year program or a half-time ~~[two-year]~~ two-year program.

~~[(6)(a) "Program accredited by the CoA", as used in Subsections R156-61-302a(1), means a psychology department program that, as of the date on which a student completes a doctoral psychology degree program:~~

~~(i) has obtained an accreditation from the CoA; or~~

~~(ii)(A) has applied to the CoA for accreditation;~~

~~(B) has been approved by the CoA for a site visit, which is to occur within the ensuing six years; and~~

~~(C) has not previously been denied accreditation by the CoA.~~

~~_____ (7)(a) "Program of respecialization", as used in Subsection R156-61-302a(3), is a formal program designed to prepare someone with a doctoral degree in psychology with the necessary skills to practice psychology.~~

~~_____ (b) The respecialization activities shall include substantial requirements that are formally offered as an organized sequence of course work and supervised practicum leading to a certificate (or similar recognition) by an educational body that offers a doctoral degree qualifying for licensure in the same area of practice as that of the certificate.~~

~~_____ (8)(a) "Psychology training", as used in Subsection 58-61-304(1)(e), means practical training experience providing direct services in the practice of mental health therapy and psychology under supervision. All activities in full-time internships and full-time post-doctoral positions devoted solely to mental health delivery meet this definition.~~

~~_____ (b) Activities not directly related to the practice of psychology, even if commonly performed by psychologists, do not meet the definition of psychology training under Subsection 58-61-304(1)(e). Examples of ineligible activities include psychology coursework, analog clinical activities (e.g. role plays), activities required for business purposes (e.g. billing), supervision of others engaged in activities other than practice of psychology (e.g. supervising adolescents in wilderness settings), and activities commonly performed by non-psychologists (e.g. teaching of psychology on topics not of a professional nature).]~~

~~_____ (11)(a) "Psychology training" as used in Subsection 58-61-304(1)(d), means practical training experience providing direct services in the practice of mental health therapy and psychology under supervision, and includes an activity in a full-time internship or a full-time postdoctoral position devoted solely to mental health delivery.~~

~~_____ (b) "Psychology training" does not include an activity that is not directly related to the practice of psychology, even if the activity is commonly performed by psychologists, such as:~~

~~_____ (i) psychology coursework;~~

~~_____ (ii) analog clinical activities, such as role plays;~~

~~_____ (iii) activities required for business purposes, such as billing;~~

~~_____ (iv) supervision of others engaged in activities when the supervision does not constitute the practice of psychology, such as supervising adolescents in wilderness settings; or~~

~~_____ (v) activities commonly performed by non-psychologists, such as teaching psychology on topics not of a professional nature.~~

~~_____ ([9]12) "Qualified faculty"[?] as used in Subsection 58-1-307(1)(b), means a university faculty member [who provides pre-doctoral supervision of clinical or counseling experience in a university setting-] who:~~

~~_____ ([?]a) is licensed in Utah as a psychologist;~~

~~_____ (b) provides predoctoral supervision of clinical or counseling experience in a university setting; and~~

~~_____ ([?]c) is training students in the context of a doctoral program leading to licensure.~~

~~_____ ([40]13) "Residency program"[?] as used in Subsection 58-61-301(1)(b), means a program of post[-]doctoral supervised clinical training necessary to meet licensing requirements as a psychologist.~~

~~[~~

~~**R156-61-103. Authority—Purpose.**~~

~~_____ This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 61.~~

~~**R156-61-104. Organization—Relationship to Rule R156-1.**~~

~~_____ The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.~~

~~**R156-61-201. Advisory Peer Committee Created—Membership—Duties.**~~

~~_____ (1) There is hereby enabled in accordance with Subsection 58-1-203(1)(f), the Ethics Committee as an advisory peer committee to the Psychologist Licensing Board on either a permanent or ad hoc basis consisting of members licensed in good standing as psychologists qualified to engage in the practice of mental health therapy, in number and area of expertise necessary to fulfill the duties and responsibilities of the committee as set forth in Subsection (3).~~

~~_____ (2) The committee shall be appointed and serve in accordance with Section R156-1-205.~~

~~_____ (3) The committee shall assist the Division in its duties, functions, and responsibilities defined in Section 58-1-202 including:~~

~~_____ (a) upon the request of the Division, reviewing reported violations of Utah law or the standards and ethics of the profession by a person licensed as a psychologist and advising the Division if allegations against or information known about the person presents a reasonable basis to initiate or continue an investigation with respect to the person;~~

~~_____ (b) upon the request of the Division providing expert advice to the Division with respect to conduct of an investigation; and~~

~~_____ (c) when appropriate serving as an expert witness in matters before the Division.]~~

~~**R156-61-302a. Qualifications for Licensure - Education Requirements.**~~

~~[_____ (1) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology degree that qualifies an applicant for licensure as a psychologist shall be accredited by the CoA.~~

~~_____ (a) An applicant shall graduate from the actual program that is accredited by CoA. No other program within the department or institution qualifies unless separately accredited.~~

~~_____ (b) If a transcript does not uniquely identify the qualifying CoA accredited degree program, it is the responsibility of the applicant to provide signed, written documentation from the program director or department chair that the applicant did indeed graduate from the qualifying accredited degree program.~~

~~_____ (2) In accordance with Subsection 58-61-304(1)(d), an institution or program of higher education awarding a psychology doctoral degree that is not accredited by CoA shall meet the following criteria in order to qualify an applicant for licensure as a psychologist:~~

~~_____ (a) if located in the United States or Canada, be an institution having a doctoral psychology program recognized by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Joint Designation Committee as being found to meet "designation criteria", at the time the applicant received the earned degree. Whether a program is found to meet designation criteria is a decision to be made by the ASPPB/National Register Joint Designation Committee; or~~

~~_____ (b) if located outside of the United States or Canada, be an institution that meets the ASPPB National Register (NR) Designation Guidelines for defining a doctoral degree in psychology as determined by the NR.~~

_____ (3) An applicant whose psychology doctoral degree training is not designed to lead to clinical practice or who wishes to practice in a substantially different area than the training of the doctoral degree shall complete a program of respecialization as defined in Subsection R156-61-102(7), and shall meet requirements of Subsection R156-61-302a(2).

_____ (4) The date of completion of the doctoral degree shall be the graduation date listed on the official transcript.]

_____ (1)(a) Under Section 58-61-304, an institution or program of higher education awarding a doctoral degree in psychology shall meet approval criteria in this section to qualify an applicant for:

_____ (i) licensure as a psychologist under Subsection 58-61-304(1)(c);

_____ (ii) certification in the classification of certified prescribing psychologist under Subsection 58-61-304(4)(c)(i); or

_____ (iii) certification in the classification of provisional prescribing psychologist under Subsection 58-61-304(6)(c)(i).

_____ (b) The institution or program of higher education shall meet the approval criteria on or before the date the applicant received the earned degree.

_____ (c) An applicant's date of completion or receipt of the applicant's earned degree is the graduation date on the applicant's official transcript.

_____ (d) If the course titles on an applicant's transcript do not clearly reflect the specific core course work required by this section, the applicant shall document for the Division the course or combination of courses in which the material was covered.

_____ (e) An applicant shall have graduated from the qualifying accredited or chartered degree program. Another program within the department or institution does not meet approval criteria unless that program is separately accredited or chartered.

_____ (f) If a transcript does not uniquely identify the qualifying accredited or chartered degree program, the applicant shall provide signed, written documentation from the program director or department chair that the applicant graduated from the qualifying accredited or chartered degree program.

_____ (2) An applicant may demonstrate approval criteria by providing satisfactory evidence that their institution or program of higher education was accredited by the APA-CoA or CPAAP, as defined in Section R156-61-102.

_____ (3) An applicant may demonstrate approval criteria by providing satisfactory evidence that their institution or program of higher education was regionally accredited in a state, district, or territory of the United States, or provincially or territorially chartered in Canada, and met the following criteria:

_____ (a) the program is a psychology program that:

_____ (i) is a distinct, recognizable entity within the institution;

_____ (ii) offers an integrated and organized sequence of study planned to provide appropriate training for the practice of psychology; and

_____ (iii) consists of only graduate-level courses, with no coursework counted or credited toward an undergraduate degree;

_____ (b) has identifiable full-time faculty;

_____ (c) has a designated full-time faculty member responsible for the program, who at the faculty member's time of service would:

_____ (i) qualify as a supervisor under Section R156-61-302e; or

_____ (ii) as determined by the Division in collaboration with the Board, possess substantially equivalent education, experience, and training to qualify for licensure under Title 58, Chapter 61, Psychologist Licensing Act;

_____ (d) has an identifiable body of students who are matriculated in the program for a degree;

_____ (e) has examination and grading procedures designed to evaluate the degree of mastery of the subject matter;

_____ (f) has a curriculum that encompasses at least three academic years of full-time graduate study, including the following specific core course work:

_____ (i) professional ethics and standards;

_____ (ii) research design and methodology, such as techniques of data analysis, inferential statistics, descriptive statistics, research implementation, program evaluation, or assessment;

_____ (iii) theories and methods of effective intervention, such as consultation, supervision, or evaluation of treatment efficacy;

_____ (iv) theories and methods of assessment and diagnosis;

_____ (v) biological bases of behavior, such as physiological psychology, neuropsychology, sensation and perception, comparative psychology, or psychopharmacology;

_____ (vi) cognitive-affective bases of behavior, such as learning, thinking, motivation, or emotion;

_____ (vii) social bases of behavior, such as social psychology, group processes, or organizational and systems theory;

_____ (viii) individual differences, such as personality theory, human development, or abnormal psychology; and

_____ (ix) issues of cultural and individual diversity;

_____ (g) has a supervised practicum experience of at least 400 hours that is appropriate to the practice of psychology, and which includes at least:

_____ (i) 150 hours in direct service experience; and

_____ (ii) 20 hours in formally scheduled supervision;

_____ (h) has at least the following supervised internships appropriate to the practice of psychology that are accredited by the APA-CoA or CPAAP, or that the Division determines is substantially equivalent to the APA-CoA or CPAAP published guidelines and principles for accreditation of internships:

_____ (i) an internship in clinical psychology that includes at least one full-time experience encompassing:

_____ (A) one full-time calendar year, or two half-time calendar years; and

_____ (B) at least 2,000 experience hours; and

_____ (ii) an internship in school and counseling psychology that includes at least one full-time experience encompassing:

_____ (A) one academic or calendar year, or two half-time academic or calendar years; and

_____ (B) at least 2,000 experience hours.

_____ (4) An applicant may demonstrate approval criteria by providing satisfactory evidence that when the applicant earned the degree, the applicant's institution or program was:

_____ (a) located in a state, district, or territory of the United States or Canada, and had "designated" status from the ASPPB National Register Joint Designation Committee; or

_____ (b) located outside of the United States or Canada and met the ASPPB National Register Designation Guidelines for defining a doctoral degree in psychology.

_____ (5) If an applicant's training for their doctoral degree in psychology was not designed to lead to clinical practice, or if the applicant wishes to practice in a substantially different area than their training, then the applicant shall complete a program of respecialization that:

- (a) is designed to prepare an individual with a degree in psychology with the necessary skills to practice psychology;
- (b) has respecialization activities that include substantial requirements formally offered as an organized sequence of course work and supervised practicum;
- (c) leads to a certificate or similar recognition by an educational body that offers a doctoral degree qualifying for licensure in the same area of practice as the certificate; and
- (d) meets approval criteria in this section.

R156-61-302b. Qualifications for Licensure - Experience Requirements.

(1)(a) ~~[An applicant]~~ To qualify for licensure as a psychologist under Subsection 58-61-304(1)(~~[e]~~d) or as a psychologist also qualified to engage in mental health therapy under Subsections 58-61-304(1)(~~[e]~~d) and ~~[(4)]~~(~~[f]~~e), an applicant shall complete ~~[a minimum of]~~ at least 4,000 hours of psychology training approved by the Division in collaboration with the Board. ~~[The training shall:]~~

~~[(a)]b~~ The training in Subsection (1)(a) shall be completed ~~[in not less than two years];~~

~~[(b)]i~~ ~~[be completed]~~ in not more than four years following the awarding of the doctoral degree, unless the Division in collaboration with the Board approves an extension due to extenuating circumstances;

~~[(e)]ii~~ ~~[be completed]~~ while the applicant is enrolled in an approved doctoral program or licensed as a certified psychology resident;

~~[(d)]iii~~ ~~[be completed]~~ while the applicant is under the supervision of ~~[a qualified]~~ an approved psychologist supervisor ~~[meeting the requirements]~~ under Section R156-61-302d; and

~~[(e)]~~ if completed under the supervision of a qualified faculty member who is not an approved psychology training supervisor in accordance with Section R156-61-302d, the training shall not be credited toward the 4,000 hours of psychology doctoral clinical training;

~~[(f)]iv~~ ~~[be completed]~~ as part of a supervised psychology training program as defined in Subsection R156-61-102(~~[(4)]~~11) that does not exceed:

~~[(i)]A~~ 40 hours per week for a full-time internship ~~[s and full-time]~~ or post[-]doctoral position[s]; or

~~[(ii)]B~~ 20 hours ~~[of]~~ for a part-time internship ~~[s and part-time]~~ or post[-]doctoral position[s]; and

~~[(g)]c~~ ~~[be completed]~~ while the applicant is under ~~[supervision of]~~ a minimum of one hour of supervision for every 20 hours of pre[-]doctoral training and experience and one hour for every 40 hours of post[-]doctoral training and experience.

(2) A supervised individual may not count toward the 4,000 hours of psychology doctoral clinical training under Subsection (1)(a) any hour completed under the supervision of an individual who is not an approved psychologist supervisor under Section R156-61-302d.

~~[(2)]3(a)~~ ~~[In accordance with]~~ Under Subsection 58-61-301(1)(b), an individual engaged in a post[-]doctoral residency program of supervised clinical training shall be certified as a psychology resident.

(b) Under Subsection 58-1-307(1)(c) as referenced by Subsection 58-61-301(1)(b), and Subsection R156-61-102(9), an on-the-job training program is one that:

(i) includes only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61, Psychologist Licensing Act and this rule;

(ii) starts immediately upon completion of all courses required for graduation;

(iii) ends no later than 60 days from the date it begins, or upon licensure, whichever is earlier;

(iv) may not be extended or used a second time;

(v) is completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and

(vi) is supervised by an individual who:

(A) is licensed under Title 58, Chapter 61, Psychologist Licensing Act; and

(B) conducts supervision at least weekly in circumstances where the supervisor and the supervised individual are physically present in the same room at the same time.

~~[(3)]4~~ An applicant ~~[for licensure]~~ may accrue any portion of the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(~~[e]~~d) in a pre[-]doctoral program.

~~[(4)]~~ An applicant who applies for licensure as a psychologist who completes the 4,000 hours of psychology doctoral degree training and experience required in Subsection 58-61-304(1)(e) in a pre-doctoral program or post-doctoral residency, and meets qualifications for licensure, may be approved to sit for the examinations, and upon passing the examinations will be issued a psychologist license.]

(5) An applicant for licensure as a psychologist who has ~~[commenced]~~ started and completed all or part of the psychology or mental health therapy training requirements under Subsection ~~[R156-61-302b]~~(1)(a) outside the state, may receive credit for that training ~~[completed outside of the state]~~ if ~~[it is demonstrated by]~~ the applicant provides satisfactory evidence to the Division that the training is equivalent to the requirements for training under Subsections 58-61-304(1)(~~[e]~~d) and ~~[(f)]e~~ and Subsection ~~[R156-61-302b]~~(1).

(6)(a) Under Subsection 58-61-304(1)(e), an applicant training under remote direct supervision shall have a signed, written remote supervision agreement with the psychologist supervisor that meets the requirements of this subsection.

(b) A remote supervision agreement shall require the supervisor to conduct remote direct supervision only through real-time electronic methods that allow both visual and audio interaction between the supervisor and the supervised individual, and shall contain at least the following:

(i) provisions establishing the frequency, duration, reason for, and objectives of electronic meetings;

(ii) a plan to ensure the supervisor has access to the supervised individual despite the physical distance between their offices;

(iii) a plan to address potential conflicts between clinical recommendations of the supervisor and the representatives of the agency employing the supervised individual;

(iv) a plan to inform the supervised individual's employer and clients or patients about the supervised individual's use of remote supervision;

(v) a plan to comply with the supervisor's duties and responsibilities under Section R156-61-302e; and

(vi) a plan for the supervisor to physically visit the location where the supervised individual practices on at least a quarterly basis, or at a lesser frequency as approved by the Division in collaboration with the Board.

(c)(i) Before training under remote direct supervision, the supervised individual shall:

(A) submit the remote supervision agreement to the Division to evaluate if the remote supervision agreement adequately protects the health, safety, and welfare of the public; and

(B) receive written approval of the remote supervision agreement from the Division.

(ii) A supervised individual may not count toward the real-time live direct supervision requirement under Subsection 58-61-304(1)(e) any hour of remote supervision completed before the Division grants written approval of the supervised individual's remote supervision agreement.

R156-61-302c. Qualifications for Licensure - Examination Requirements.

(1) The examination requirements ~~[which shall be met by an applicant]~~ for licensure as a psychologist under Subsection 58-61-304(1)(~~g~~)~~(f)~~ are:

(a) ~~[passing]~~the two-part Examination for the Professional Practice of Psychology (EPPP) developed by the ~~[American Association of State Psychology Board]~~ [ASPPB], with a passing score as recommended by the ASPPB; and

(b) ~~[passing]~~the Utah Psychologist Law and Ethics Examination, with a passing score of ~~[not less than]~~at least 75%.

(2) ~~[A person]~~An applicant may be admitted to the EPPP and Utah Psychologist Law and Ethics examinations in Utah only after meeting the requirements ~~[under]~~of Section 58-61-305~~[-, and after receiving written approval from the Division].~~

(3)(a) If an applicant is admitted to an EPPP examination based upon substantive information that is incorrect and furnished knowingly by the applicant, the applicant shall ~~[automatically be given]~~receive a failing score and ~~[shall not be permitted to]~~may not retake the examination until the applicant submits fees and a correct application demonstrating the applicant is qualified for the examination and~~[adequately]~~ explains to the satisfaction of the Division why the applicant knowingly furnished incorrect information.~~[-If an applicant is inappropriately admitted to an EPPP examination because of a Division or Board error and the applicant receives a passing score, the results of the examination may not be used for licensure until the deficiency which would have barred the applicant for admission to the examination is corrected.]~~

(b) If an applicant is incorrectly admitted to the EPPP because of a Division or Board error and the applicant receives a passing score, the applicant may use the passing score for licensure only after the applicant corrects the deficiency that should have barred the applicant from EPPP admission.

(4) An applicant who ~~[fails]~~has failed the EPPP ~~[examination]~~three times ~~[will only be allowed]~~may not receive subsequent admission to the ~~[examination after]~~EPPP until the applicant has:~~[-appeared before the Board, developed with the Board a plan of study in appropriate subject matter, and thereafter completed the planned course of study to the satisfaction of the Board.]~~

(a) submitted to the Board a written statement outlining the applicant's:

(i) core barriers to successful completion of the EPPP;

(ii) plan for overcoming the core barriers, with goals in a specific, measurable, achievable, relevant, and time-bound (SMART) format; and

(iii) timeline for achieving the plan;

(b) appeared before the Board and developed with the Board a plan of study in appropriate subject matter; and

(c) completed the plan of study to the satisfaction of the Board.

(5) An applicant who is found to be cheating on the EPPP ~~[examination]~~or the Utah Psychologist Law and Ethics Examination or in any way invalidating the integrity of the examination shall automatically be given a failing score and ~~[shall not be permitted to]~~may not retake the examination for ~~[a period of]~~at least three years or as determined by the Division in collaboration with the Board.

(6) ~~[In accordance with Section 58-1-203 and Subsection 58-61-304(1)(g), an applicant for the EPPP or the Utah Psychologist Law and Ethics Examination shall pass the examinations within one year from the date of the psychologist application for licensure. If the applicant does not pass the examinations within one year, the pending psychologist application shall be denied. The applicant may continue to register to take the EPPP examination under the procedures outlined in Subsection R156-61-302e(4).]~~

(7) ~~[In accordance with]~~Under Section 58-1-~~[203]~~302 and consistent with Subsection 58-61-304(2)(d), an applicant for psychologist licensure by endorsement that is not based upon licensure in another jurisdiction shall pass the Utah Psychologist Law and Ethics Examination~~[within six months from the date of the psychologist application for licensure. If the applicant does not pass the examination in six months, the pending psychologist application shall be denied].~~

R156-61-302d. Qualifications for Designation as an Approved ~~[Psychology Training]~~Psychologist Supervisor.

~~[In accordance with]~~Under Subsection~~[s]~~ 58-61-304(1)(~~e~~)~~(d)~~ ~~[and]~~or (~~f~~)~~(e)~~, to be approved by the Division in collaboration with the Board as a psychologist supervisor of psychology training or mental health therapy training, an individual shall:

(1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed; and

(2) have practiced as a licensed psychologist for ~~[not fewer than]~~at least 4,000 hours in a period of not less than two years.

R156-61-302e. Duties and Responsibilities of a ~~Psychologist Supervisor~~Psychologist Supervisor ~~of Psychology Training and Mental Health Therapist Training~~.

The duties and responsibilities of a psychologist supervisor under Subsection 58-61-304(1)(~~d~~) or (~~e~~) are further defined, clarified or established as follows. ~~[-]~~The psychologist supervisor shall:

(1) be professionally responsible for the acts and practices of the ~~[supervisee which]~~supervised individual that are a part of the required supervised training, including supervision of ~~[all]~~the activities requiring a mental health therapy license;

(2) engage in a relationship with the ~~[supervisee]~~supervised individual in which the supervisor is independent from control by the ~~[supervisee]~~supervised individual, and in which the ability of the supervisor to supervise and direct the practice of the ~~[supervisee]~~supervised individual is not compromised;

(3) supervise not more than three full-time equivalent ~~[supervisees]~~supervised individuals, unless otherwise approved by the Division in collaboration with the Board;

(4) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including the ~~[supervisees]~~supervised individual's level of training, ability to diagnose patients, and other factors determined by the supervisor;

(5) ~~[comply]~~ensure compliance with the confidentiality requirements of Section 58-61-602;

(6) provide timely and periodic review of the client records assigned to the ~~[supervisee]~~supervised individual;

(7) monitor the performance of the ~~[supervisee]~~supervised individual for compliance with laws, standards, and ethics applicable to the practice of psychology;

(8) submit appropriate documentation to the Division with respect to work completed by the ~~[supervisee]~~supervised individual, evidencing the performance of the ~~[supervisee]~~supervised individual during the period of supervised psychology training and mental health therapist training, including the supervisor's evaluation of the ~~[supervisee's]~~supervised individual's competence in the practice of psychology and mental health therapy;

(9) ensure that the ~~[supervisee]~~supervised individual is certified by the Division as a psychology resident, or is enrolled in a psychology doctoral program and engaged in a training experience authorized by the educational program; and

(10) ensure the psychologist supervisor is legally able to personally provide the services ~~[which]~~that the psychologist supervisor is supervising.~~[- and~~

~~_____ (11) ensure the psychologist supervisor meets all other requirements for supervision as described in this section.]~~

R156-61-~~302f~~402. ~~[Renewal Cycle Procedures]~~Term, Expiration, Renewal, and Reinstatement of License.

~~(1) [In accordance with]~~Under Subsection 58-1-308(1) and Section 58-61-302, the renewal date for the two-year renewal cycle ~~[applicable to]~~for licenses and certifications under Title 58, Chapter 61, Psychologist Licensing Act is established ~~[by rule]~~in Section R156-1-308a.

~~(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308[e]a through R156-1-308l.~~

R156-61-302g. License Reinstatement – Requirements.

~~_____ An applicant for reinstatement of a license after two years following expiration of that license shall:~~

~~_____ (1) upon request meet with the Board for the purpose of evaluating the applicant's current ability to safely and competently engage in practice as a psychologist and to make a determination of education, experience or examination requirements which will be required before reinstatement;~~

~~_____ (2) upon the recommendation of the Board, establish a plan of supervision under an approved supervisor which may include up to 4,000 hours of psychology and/or mental health therapy trainings;~~

~~_____ (3) Under Subsection 58-1-308(5)(a)(ii)(B) and subject to Subsection 58-1-308(6)(b), an applicant whose license was active and in good standing at expiration may apply for reinstatement of licensure between two years and five years after the date of expiration, by completing the following practice reentry requirements:~~

~~_____ (a) upon request, meet with the Board for an evaluation of the applicant's current ability to safely and competently engage in practice and to determine what education, experience, or examination requirements the applicant shall complete before or after reinstatement;~~

~~_____ (b) if recommended by the Board, establish a plan of supervision under an approved psychologist supervisor, that may include up to 4,000 hours of psychology training or mental health therapy training, or both;~~

~~_____ ([3]c) if the Board determines it is necessary to demonstrate the applicant's ability to engage safely or competently in practice, take or retake[;] and pass the Utah Psycholog[y]ist Law and Ethics Examination[;], or the EPPP[Examination], or both[; if it is determined by the Board it is necessary to demonstrate the applicant's ability to engage safely and competently in practice as a psychologist]; and~~

~~_____ ([4]d) complete [a minimum of]at least 48 hours of professional education in subjects determined necessary by the Board to ensure the applicant's ability to engage safely and competently in practice[as a psychologist].~~

R156-61-~~302h~~403. Continuing Education.

~~(1) [There is hereby established a continuing education requirement for all]~~Under Section 58-61-306, continuing education (CE) requirements for renewal or reinstatement of individuals licensed or certified under Title 58, Chapter 61, Psychologist Licensing Act are established in this section.

~~(2) During each [two year period]two-year renewal cycle commencing on October 1 of each [even numbered]even-numbered year:~~

~~(a) a [licensed-]psychologist, including a certified prescribing psychologist or a certified provisional prescribing psychologist, shall [be required to]complete [not less than]at least 48 hours of continuing education[directly related to the licensee's professional practice];~~

~~(b) a certified psychology resident shall [be required to]complete [not less than]at least 24 hours of continuing education[directly related to professional practice]; and~~

~~(c) a licensed school psychological practitioner shall complete at least 48 hours of continuing education.~~

~~(3)[The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro rata amount equal to any part of that two year period preceding the date on which that individual first became licensed](a) If an individual first becomes licensed during the two-year renewal cycle, the individual's required number of continuing education hours shall be increased or decreased proportionately according to the date of licensure.~~

~~(b) The Division may defer or waive continuing education requirements as provided in Section R156-1-308d.~~

~~(4) Continuing education under this section shall:~~

~~(a) have an identifiable clear statement of purpose and defined objective for the educational program that is directly related to the practice of a psychologist;~~

~~(b) be relevant to the licensee's professional practice;~~

~~(c) be presented in a competent, [well organized]well-organized, and sequential manner consistent with the stated purpose and objective of the program;~~

~~(d) be prepared and presented by individuals who are qualified by education, training, and experience; and~~

~~(e) have [associated with it a competent method of registration of individuals who actually completed the professional education program and]records of [that]registration and completion [are]available for review.~~

~~(5) Credit for continuing education during each two-year renewal cycle shall be recognized [in accordance with the following]as follows:~~

~~(a) [U]nlimited hours[shall be recognized] for continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences[;];~~

~~(b) [A maximum of]ten hours [per two year period may be recognized]for teaching in a college or university, teaching continuing education courses in the field of psychology, or [supervision of]supervising an individual completing the experience requirement for licensure as a psychologist[;];~~

~~(c) [A minimum of]at least six hours [per two year period shall be completed]in [ethics/law]ethics and law[;];~~

~~(d) A maximum of six hours [per two year period may be recognized]for clinical readings directly related to practice as a psychologist[;];~~

~~(e) A maximum of 18 hours [per two year period may be recognized]for [F]internet or distance learning courses that include[s] an examination[;] and a completion certificate, and are recognized by the [American Psychological Association]APA or a state or province psychological association[;]; and~~

~~(f) A maximum of six hours [per two year period may be recognized]for regular peer consultation, review, [and]or meetings if the licensee has properly documented that the peer consultation, review, [and]or meetings meet the [following]requirements[;]~~

~~_____ (i) have an identifiable clear statement of purpose and defined objective for the educational consultation/meeting directly related to the practice of a psychologist;~~

~~_____ (ii) are relevant to the licensee's professional practice;~~

~~_____ (iii) are presented in a competent, well-organized manner consistent with the stated purpose and objective of the consultation/meeting;~~

~~_____ (iv) are prepared and presented by individuals who are qualified by education, training and experience; and~~

~~_____ (v) have associated with it a competent method of registration of individuals who attended] of Subsection (4).~~

~~(6) A licensee shall [be responsible for maintaining competent records of completed qualified professional education for a period of four years after the close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified professional education to demonstrate it meets the requirements under this section] maintain documentation sufficient to prove compliance with this section, for a period of two years after the end of the renewal cycle for which the continuing education is due.~~

R156-61-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- ~~(1) violation of any provision of the APA's ["Ethical Principles of Psychologists and Code of Conduct[" of the American Psychological Association (APA) as adopted by the APA], January 1, 2017 edition, which is [adopted and] incorporated by reference;~~
- ~~(2) violation of any provision of the ["ASPPB Code of Conduct[" of the Association of State and Provincial Psychology Boards (ASPPB)] as adopted by the ASPPB, January 1, 2018 edition, which is [adopted and] incorporated by reference;~~
- ~~(3) acting as a psychologist supervisor, or accepting supervision, [of a supervisor] without complying with or ensuring [the] compliance with the requirements of Sections R156-61-302d and R156-61-302e;~~
- ~~(4) engaging in, [and] aiding, or abetting conduct or practices [which] that are dishonest, deceptive or fraudulent;~~
- ~~(5) engaging in, [or] aiding, or abetting deceptive or fraudulent billing practices;~~
- ~~(6) failing to establish and maintain appropriate professional boundaries with a client or former client;~~
- ~~(7) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;~~
- ~~(8) engaging in a sexual activit[ies]y or sexual contact with a client with or without client consent;~~
- ~~(9) engaging in a sexual activit[ies]y or sexual contact with a former client within two years of documented termination of services;~~
- ~~(10) engaging in sexual activit[ies]y or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition [which] that could reasonably be expected to place the client at a disadvantage recognizing the power imbalance [which] that exists or may exist between the psychologist and the client;~~
- ~~(11) engaging in a sexual activit[ies]y or sexual contact with a client's relative[s] or other individual[s] with whom the client maintains a relationship, when that individual is especially vulnerable or susceptible to being disadvantaged because of [his] the individual's personal history, current mental status, or any condition [which] that could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance [which] that exists or may exist between the psychologist and that individual;~~
- ~~(12) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;~~
- ~~(13) engaging in, [or] aiding, or abetting sexual harassment or any conduct [which] that is exploitive or abusive with respect to a student, trainee, employee, or colleague [with] over whom the licensee has supervisory or management responsibility;~~
- ~~(14) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health, or any other determination concerning an individual's civil or legal rights;~~
- ~~(15) exploiting a client for personal gain;~~
- ~~(16) using a professional client relationship to exploit a client or other person for personal gain;~~
- ~~(17) failing to maintain appropriate client records for a period of [not less than] at least ten years from the documented termination of services to the client;~~
- ~~(18) failing to obtain informed consent from the client or legal guardian before taping, recording, or permitting [third party] third-party observations of client care or records;~~
- ~~(19) fail[ure]ing to cooperate with the Division during an investigation~~
- ~~(20) participating in a residency program or other [post degree] post-degree experience without being certified as a psychology resident for post[-]doctoral training and experience;~~
- ~~(21) supervising a residency program of an individual who is not certified as a psychology resident; or~~
- ~~(22) when providing services remotely, failing to:~~
 - ~~(a) [failing to] practice according to professional standards of care in the delivery of services remotely;~~
 - ~~(b) [failing to] protect the security of [electronic,] confidential data and information; or~~
 - ~~(c) [failing to] appropriately store and dispose of [electronic,] confidential data and information[; or].~~

~~[R156-61-601. Standards Approved On the Job Training Program:~~

~~In accordance with Subsection R156-61-102(4), an on the job training program is one that:~~

- ~~(1) includes only individuals who have completed all courses required for graduation in a doctoral degree that satisfies the licensure requirements under Title 58, Chapter 61 and these rules;~~
- ~~(2) starts immediately upon completion of all courses required for graduation;~~
- ~~(3) ends no later than 45 days from the date it begins, or upon licensure, whichever is earlier;~~
- ~~(4) may not be extended or used a second time;~~
- ~~(5) is completed while the individual is an employee of a public or private agency engaged in the practice of psychology; and~~
- ~~(6) is supervised by an individual who:~~
 - ~~(a) is licensed under Title 58, Chapter 61; and~~
 - ~~(b) conducts supervision at least weekly on circumstances where supervisor and supervisee are physically present in the same room at the same time.]~~

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